

## REMARKS/ARGUMENTS

Claims 1 and 3-6 are pending herein.

Claims 1-5 were rejected under 35 U.S.C. 102(e) over U.S. Patent No. 6,080,510 (Hemmer '510).

Hemmer '510 discloses ternary mixed lithium oxides of the general formula:



where Me represents at least one metal cation from the groups IIa, IIIa, IVa, IIb, IIIb, IVb, VIb, VIIb and VIIIb of the periodic table of the elements. Hemmer '510 includes an example in which Mn is substituted by Fe, an example in which Mn is substituted by Ti, and an example in which Mn is substituted by Ni.

Claim 1, amended as set forth above, recites a lithium secondary battery in which the positive active material comprises lithium manganese oxide substituted by at least two elements, one of which is Ti. Hemmer '510 fails to disclose a lithium manganese oxide compound in which Mn is substituted by Ti and at least one other element selected from the group recited in claim 1. In addition, Hemmer '510 fails to contain any disclosure which would motivate one of skill in the art to attempt to produce such a compound.

Moreover, Hemmer '510 fails to disclose or suggest a lithium secondary battery, wherein lithium manganese oxide in which the Mn is substituted by at least two elements, one of which is Ti, is used as a positive active material, and wherein the lithium manganese oxide has a strength ratio, of a primary endothermal peak ( $P_1$ ) appearing around 950°C and a secondary endothermal peak ( $P_2$ ) appearing around 1100°C in differential thermal analysis, of 0.5 or less.

Accordingly, it is respectfully requested that the U.S. PTO reconsider and withdraw this rejection.


In view of the above, claims 1 and 3-6 are in condition for allowance.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

September 16, 2004  
Date

  
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